

AUG 21 2006

32692

Customer Number

Patent
Case No.: 51952US018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: BENSON, GERALD M.
Application No.: 10/757127 Confirmation No.:
Filed: January 14, 2004
Title: RETROREFLECTIVE CUBE CORNER SHEETING MOLD AND
METHOD FOR MAKING THE SAME

STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]	
I hereby certify that this correspondence is being:	
<input type="checkbox"/>	deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
<input checked="" type="checkbox"/>	transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300. * 3 pages *
August 21, 2006 Date	Andrea Newhouse Signed by: Andrea Newhouse

Dear Sir:

The present application, currently under rejection by an Office Action dated 05/02/2006, was the subject of an in-person interview that occurred on August 1, 2006 in Examiner James Phan's office at the U.S. Patent and Trademark Office. The purpose of the interview was to resolve the 35 U.S.C. § 112 first paragraph issues raised in the Office Action. The undersigned, who was accompanied by Dr. Kenneth L. Smith, a Corporate Scientist at 3M Company and named inventor on a large number of cube corner-related patents, wishes to thank Examiner Phan for the courtesy of granting the interview.

The substance of the interview is provided below pursuant to 37 CFR §§ 1.2 and 1.133(b), and so that the written record is accurate and clear.

The interview began with a discussion of rulable and nonrulable cube corner arrays. The undersigned presented a model of a cube corner array similar to FIG. 3 of US 4,588,258 (Hoopman), and agreement was reached that that array is rulable.

Application No.: 10/757127

Case No.: 51952US018

The undersigned then presented models of laminae similar to those shown in FIGS. 1-9 of the present application, including right rectangular polyhedral laminae as shown in FIGS. 1-3, laminae following a first machining operation as shown in FIGS. 4-7, and laminae following a second machining operation as shown in FIGS. 8-9. A separate (one-piece) model of a cube corner array similar to that of FIG. 9 was also presented. Agreement was reached that these models are fair representations of structures taught by the present application.

However, when the undersigned asked Examiner Phan to acknowledge that the FIG. 9 array is nonrulable, the Examiner responded that the array is definitely not "nonrulable" as that term is used in the claims. The Examiner explained that the FIG. 9 array is not "nonrulable" because it includes some features (e.g. grooves 46a, 46b) that are rulable. The undersigned acknowledged that the array is partially rulable, but pointed out that the array as a whole cannot be formed in a unitary substrate solely with a cutting tool that moves along paths parallel to a common plane, and thus it cannot be formed exclusively with ruling operations. The undersigned asked the Examiner if, based on his position, he would characterize the FIG. 9 array as "rulable". The Examiner responded that he could only say that the array was not "nonrulable" as he understood that term to mean from his familiarity with the 6,015,214 patent (and since the term was borrowed from the '214 patent). During the conversation, the Examiner also indicated several times that "nonrulable" was to be understood in connection with the "every plane in space" phrase, based on representations of counsel in the '214 prosecution history. The Examiner maintained his rejection of the claims containing the term "nonrulable" based on a lack of support for that feature in the present application.

With regard to the "every plane in space" phrase, the Examiner indicated that it is useful in interpreting "nonrulable", and that it is an alternative geometric description. Therefore, Examiner Phan also maintained his rejection of the claims containing the "every plane in space" phrase for the same reasons as above.

Applicant is now evaluating how or whether to respond to the Office Action in view of the Examiner's insistence regarding the meaning of "nonrulable" and the "every plane in space" phrase in the copied claims.

Application No.: 10/757127

Case No.: 51952US018

No fee is believed to be due by submission of this paper. If this belief is incorrect, please charge any required fee to Deposit Account No. 13-3723.

Respectfully submitted,

21 August 2006
Date

By: Stephen C. Jensen
Stephen C. Jensen, Reg. No.: 35,207
Telephone No.: 651-736-3369

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833